

The Town of Washington

Town Hall

April 12, 2006

Joint Public Hearing of the Town Council and the Planning Commission

Approved by Council May 10, 2006

7:30 p.m.

- CALL TO ORDER: Mayor Leggett: 7:30 p.m. The following Town Council members were present: Mayor Leggett, Vice Mayor Lynch, Jerry Goebel, Alice Butler, Jeff Benson, Claudia Mitchell, and Jean Goodine. Town Attorney John Bennett and Town Clerk Laura Dodd were also present. Planning Commission members present were Mitzie Young, Robert Ballard, Mary Ann Kuhn, and Jean Goodine. Chairman Gary Schwartz was absent. County Administrator John McCarthy was also present.

- PUBLIC HEARINGS:
 - a). Ordinance to amend and re-enact Article I and 5 of the Zoning Ordinances of the Town of Washington to create a Government Services Zoning District:
Ms. Goodine opened up the Planning Commission Public Hearing.
Mayor Leggett opened up the Town of Washington Public Hearing.
County Administrator John McCarthy discussed that there had been ongoing discussions between the County and the Town regarding the County purchasing four acres of the Avon Hall property from the Town. He commented that the currently the County owned Court House complex was zoned Village Services, which allowed for government and private uses but the amendments to the Ordinance creating a Governmental Services District would guarantee that the County could not sell the new property for private speculation down the road although it could be sold to another government.

He discussed the uses that would be allowed by right including government offices, renting out portions of government buildings as business and professional offices, parking lots, and equipment storage. He also discussed uses by special permit including antennas exceeding 35 feet and that the County had no immediate intention of developing the property.

Ms. Bruce asked how the ordinance affected adjacent property owners.

Mr. McCarthy answered that the County was the adjacent property owner.

Mr. Monty Tayloe asked if there could be any non-government uses.

Mayor Leggett answered that it did allow for some limited non-government uses.

Mr. Bennett commented that it provided uses by right for government offices and incidental professional and business offices use but if sold the answer was no unless sold to another government.

There being no further questions Ms. Goodine closed the Planning Commission Public Hearing.

Mayor Leggett closed the Town Council Public Hearing.

Ms. Young moved that the Planning Commission recommend favorable consideration of the proposed ordinance to create a Government Services District to be adopted by the Town Council. Mr. Ballard seconded and a roll call vote was taken:

Ms. Young voted "aye" Ms. Kuhn voted "aye"

Ms. Goodine voted "aye" Mr. Ballard voted "aye"

and the motion passed 4-0.

b). TW RZ # 06-03-01: An application by the Town of Washington to rezone 4.00 acres, a portion of Tax Map 20A-1-115, a portion of the "Avon Hall" property to Government Services if such ordinance be adopted by the Town of Washington:

Ms. Goodine opened up the Planning Commission Public Hearing on the rezoning application.

Mayor Leggett opened up the Town Council Public Hearing on the rezoning application.

Mr. Steve Ray of Mt. Salem Ave. arrived late and asked what did the application mean.

Mr. McCarthy reviewed the proposed Governmental Services Zoning District and it uses by right and by special permit.

Ms. Kuhn asked where the entrance to the property would be.

Mr. McCarthy answered that the entrance would be on Business 211 or internally from the Court House Grounds.

Ms. Goodine asked if there were any further questions and there being none closed the Planning Commission Public Hearing on the rezoning application.

Mayor Leggett closed the Town Council Public Hearing on the rezoning application.

Ms. Goodine asked for a resolution from the Planning Commission recommending approval of the application to the Town Council.

Mr. Ballard made a motion that the Planning Commission recommends granting the rezoning of 4.0 acres of Avon Hall if the Government Services previously considered by the Planning Commission and Town Council be adopted by the Town Council. Ms. Kuhn seconded and a roll call vote was taken:

Ms. Young voted "aye: Ms. Kuhn voted "aye"

Ms. Goodine voted "aye" Mr. Ballard voted "aye:"

and the motion passed 4-0.

c). Cross Connection Control Ordinance providing standards for connection to the Town of Washington public water system and installation of back flow prevention devices, inspection of certain users and related matters:

Ms. Goodine opened up the Planning Commission Public Hearing on the Cross Connection Control Program and Ordinance.

Mayor Leggett opened up the Town Council Public Hearing on the Cross Connection Control Program and Ordinance. Mayor Leggett reported that the Town was required by the State to have a Cross Connection Control Program and Ordinance providing standards for the Town of Washington's water system. He announced that Don Hearl of ESS was present to answer questions.

Mr. Hearl discussed that his company, ESS, had been hired by the Town to work with the Town to develop a Cross Connection Control program and to help implement that plan once it was adopted by the Town Council. He said that basically there was a mandate by the State Dept. of Health for the Town to adopt a program to control cross connections between the public water system and users of the system.

He said that the ordinance sets forth the guidelines the Town went by to insure the system was protected and that water users would receive a questionnaire that would be mailed out by the Town. He said that residential users would answer the questions and 99.9% of the time there would be no problems and nothing would have to be done. Commercial users in Town such as restaurants would also receive a questionnaire, and there might be a chance of cross connections and so those commercial users would have to be inspected. He said if there was an identified problem then appropriate measures would have to be taken to protect the water system, which would mean the installation of a device like a double check valve or other devices. He said that was not an optional thing that the Town could do as it was required by the state Health Dept. and it would have to be updated annually.

Mr. Bennett commented that the State had given the Town the option to adopt the Ordinance.

Mr. Hearl said yes that was correct and if the Town failed to do so they would have to publish violation notices and it would not be a pretty picture.

Mr. Tayloe asked if a commercial business would have to pay for the devices if a need was found to correct problems.

Mr. Hearl said yes that commercial establishments must pay for the back flow devices which usually ran from \$300 to \$400 but for some hazardous uses it could run \$700.

There being no further questions Ms. Goodine closed the Planning Commission Public Hearing on the Cross Connection Control Program and Ordinance.

Mayor Leggett closed the Town Council Public Hearing on the Cross Connection Control Program and Ordinance.

Ms. Goodine asked if there was a motion from the Planning Commission.

Ms. Kuhn made a motion that the Planning Commission recommend for approval by the Town Council the Cross Connection Control Program and Ordinance and Mr. Ballard seconded the motion. A roll call vote was taken:

Ms. Young voted "aye" Ms. Kuhn voted "aye"
Ms. Goodine voted "aye" Mr. Ballard voted "aye:"

and the motion passed 4-0.

Mr. Ballard moved to adjourn the Planning Commission meeting at 8:02 p.m. and Ms. Kuhn seconded and the motion passed 4-0.

Mayor Leggett asked if there was any discussion by the Council of the Ordinance to amend and re-enact Article 1 and 5 of the Zoning Ordinance to create a Government Services Zoning District.

Ms. Mitchell commented that the Ordinance seemed to include everything the Town had asked for and that she was satisfied that it met the needs of the Town.

There being no further discussion, Ms. Mitchell made a motion that the Council finds that the creation of the proposed Government Services Zoning District constitutes good zoning practice and will promote public safety and health and the Council hereby adopts Articles 1 and 5 of the Zoning Ordinance. Mr. Goebel seconded and a roll call vote was taken:

Ms. Mitchell voted "aye" Mayor Leggett voted "aye" Ms. Butler voted "aye"
Ms. Goodine voted "aye" Mr. Goebel voted "aye" Mr. Lynch voted "aye"

- Mr. Benson voted "aye"
- and the motion passed 7-0.
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- Mayor Leggett asked that the Council consider the application to rezone 4.0 acres of the Avon Hall property.
- Mr. Benson made a motion that the Town grant the application of such TW RZ 06-03-01, an application by the Town to rezone 4.00 acres, a portion of Tax map 20A-a-115, a portion of the Avon Hall property, from Village Services to Government Services District under the Ordinance just adopted in its entirety by the Town Council and the Council makes the permanent finding that such rezoning constitutes good zoning practice and will promote public health and safety in the Town of Washington.
- Mr. Goebel seconded the motion and a roll call vote was taken:
Ms. Mitchell voted "aye" Mayor Leggett voted "aye" Ms. Butler voted "aye"
Ms. Goodine voted "aye" Mr. Goebel voted "aye" Mr. Lynch voted "aye"
- Mr. Benson voted "aye"
- and the motion passed 7-0.
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- Mayor Leggett asked the Council to consider the adoption of the Cross Connection Control Program and Ordinance required by the state Dept. of Health.

- There being no discussion, Mr. Goebel made a motion to adopt the Cross Connection Control Program and Ordinance. Ms Butler seconded the motion and a roll call vote was taken:

Ms. Mitchell voted “aye”	Mayor Leggett voted “aye”	Ms. Butler voted “aye”
Ms. Goodine voted “aye”	Mr. Goebel voted “aye”	Mr. Lynch voted “aye”
- Mr. Benson voted “aye”
- and the motion passed 7-0.
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Town Council Meeting

- APPROVAL OF MINUTES: Feb. 08, 2006: Mayor Leggett asked if there were any additions or corrections to the draft minutes of the Feb. 08, 2006 Town Council Meeting. There being none Mr. Goebel made a motion to approve the minutes of Feb. 08,2006 and Ms. Goodine seconded and the motion carried 7-0 and the minutes were approved.

- **REPORTS:**

Treasury Report, Jerry Goebel

Mr. Goebel reviewed the attached Bank Summary Report, the Bills-To-Be Paid List, and the Additional Bills to Be Paid List.

- **BANK SUMMARY REPORT:** Mr. Goebel reviewed the attached bank summary report. The total consolidated assets of the Town’s accounts were \$ 447,877.70.
- **WATER USAGE:** Mr. Goebel reported that the gallons pumped for Feb. were 986,700, the backwash was 74,200 gallons, billable gallons were 912,500 gallons, and the gallons billed were 736,000, and treated not billable was 176,500. He noted that the gallons pumped for March were 1,128,200 gallons, the backwash was 74,000 gallons, billable gallons were 1,054,200 gallons, and the gallons billed were 823,640 gallons, and the gallons treated not billed were 230,560. He also noted that the water revenue for March was \$4,434.47 and the past due amount was \$955.99 and the total assets of Washington Water Works for March were \$4,757.04.
- **BILLS TO BE PAID:** Mr. Goebel asked the Council to review the list of bills to be paid and the additional bills paid list. He reported that the Town had received its first bill from Crom for the reservoir, a bill from Economy Pest Control for the termite treatment at Avon Hall, and that there was a larger bill this month from ESS due to the water tests to open Well 1 and the tests for testing streams.

He said that the additional bills to be paid list included a bill from SunTrust for \$750 for refinancing fees for the Avon Hall loan.

Mayor Leggett asked if there was a motion to accept the Treasurer’s Report. Mr. Benson made a motion to accept the Treasurer’s Report. Ms. Goodine seconded the motion, and the motion passed 7-0 and the Treasurer’s Report was accepted.

- PLANNING COMMISSION: Planning Commission Chairman Gary Schwartz was absent. Ms. Goodine reported she was absent from the March Planning Commission meeting. Ms. Dodd reported that the joint meeting of the Planning Commission and ARB scheduled for March 27, 2006 had been cancelled but the Planning Commission had held a short meeting on that date to review the Government Services Zoning District Ordinance with Zoning Administrator John McCarthy.

- ARCHITECTURAL REVIEW BOARD: Mayor Leggett reported that the ARB would be meeting the next evening to consider signage.

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- TOWN ATTORNEY: Mr. Bennett had no report.

- OLD BUSINESS:
 - a). RESERVOIR UPDATE: Mayor Leggett reported that Crom had begun construction and that there was not much else to report.
Ms. Mitchell asked if the clock was ticking on the completion date.
Mayor Leggett said yes.

- b). WASTEWATER UPDATE: Mayor Leggett reported that the deadline to comment to DEQ on the draft permit to discharge into the Rush River was that day at 5:00 pm. and the Town was now waiting to hear from DEQ the date DEQ would make their recommendations on the draft permit to the State Water Control Board, which would probably be late May or early June.

He reported that the Public Hearing held by DEQ at the high school on the 28th of March had gone well for the Town with a lot of interest by the community and that it was an informative session.

- c). CONSIDERATION OF THE DRAFT COMPREHENSIVE PLAN: Mayor Leggett commented that the Council had the draft Comprehensive Plan with the additions and corrections in hand and had had a chance to review it. He said Milt Herd was present to answer any questions and that it had been referred to the Council by the Planning Commission in Oct. and it was now time to act on it. He asked if there were any questions or comments and there being none he asked if there was a motion to approve.

Mr. Benson made a motion to adopt the draft Comprehensive Plan with the additions and corrections labeled draft for Council action March 27, 2006 and Ms. Goodine seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye" Mayor Leggett voted "aye"

Ms. Goodine voted "aye" Mr. Benson voted "aye"

Mr. Goebel voted "aye" Mr. Lynch voted "aye"

Ms. Butler voted "aye"

and the motion passed 7-0.

- d). AVON HALL UPDATE: Ms. Mitchell reported that Mr. Kreyling had decided to patch the columns as he was confident that they would not leak once they were capped. She said that there some water in the basement and she had asked that the gutters be cleaned and that everything was under budget and they had decided to clean and prime the library so that when the property was eventually shown there would be one room that could show the potential of the property. She said that the asbestos was out and that the termite treatment was done and that it was decided not to repair the termite damage, which was something the new owner could do.

NEW BUSINESS:

- a). SPRING PLANTING: Ms Mitchell reported that the Town needed to buy new barrels and make plant selections and that the Town would need the trustees help in replacing the barrels. After a short discussion, Ms. Mitchell made a motion that the Council approve up to \$1000 for spring clean up of barrels, flowers, and miscellaneous in Town. Mr. Benson seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye" Mayor Leggett voted "aye"

Ms. Goodine voted “aye” Mr. Benson voted “aye”
Mr. Goebel voted “aye” Mr. Lynch voted “aye”
Ms. Butler voted “aye”
and the motion passed 7-0.

b). Ms. Mitchell reported that she wanted to bring up a new item of business in response to Ms. Wooten, of Mt. Salem Ave., who had asked the Town to see who owned some collapsed sheds behind Mt. Salem Ave. She said she had checked out a plat provided by Ms. Bruce which showed that the sheds were on Town property. She discussed that there were about three collapsed sheds and asked Mayor Leggett if he would check with the Lt. Williams of the Sheriff’s Dept. if the Trustees could help make a burn pile with the lumber from the sheds. She said that Ms. Wooten had said that she would not mind if the Town used the vacant lot for the burn pile. Ms. Mitchell said she wanted Ms. Wooten to know that the Town would take care of it.

Mr. Benson asked if they were wood sheds with tin roofs.

Ms. Mitchell discussed that they were and once that area around the Wooten property had gotten cleaned up the sheds had become oblivious.

Mr. Benson commented that the Town would have to do something with the tin roofs which were not worth anything.

Ms. Sharon Proper asked if the wood was salvageable and could it be sold.

Ms. Mitchell said no it was old and rotten.

Ms. Butler asked if the Town owned the houses along Business 211 and what was going to be done with them as they were eyesores.

Ms. Mitchell explained that the Town owned the last one on the right before going out of town and the Town would decide what to do with them once Avon Hall was sold and the other two were owned by a relative of Ms. Proper.

Ms. Mitchell reminded everyone to come out and vote on Election Day, May 2nd.

c). Mayor Leggett commented that the Town needed to advertise for Public Hearing the FY 2006/2007 Budget and also advertise for Public Hearing the sale of the land to the County at the April 12, 2006 Council meeting.

Ms. Mitchell made a motion to authorize Town Counsel John Bennett to advertise in the newspaper a public hearing on the proposed FY 2006/2007 Budget for the Town of Washington and to also advertise for public hearing the sale of 4.0 acres of public land to the County for the consideration of \$400,000. Mr. Goebel seconded the motion and a roll call vote was taken:

Ms. Mitchell voted “aye” Mayor Leggett voted “aye”

Ms. Goodine voted “aye” Mr. Benson voted “aye”

Mr. Goebel voted “aye” Mr. Lynch voted “aye”

Ms. Butler voted “aye”

and the motion passed 7-0.

- PUBLIC FORUM: Mayor Leggett opened up the Public Forum.
- Ms. Proper commented that she heard something about the properties on 211 being an eyesore and did the Town plan to do anything about them.
- Mayor Leggett said that the Town had no plans to do anything.

- Ms. Mitchell commented that two of the buildings, owned by a relative of Ms. Proper's, the Town had no control over and the third one the Town owned and until the Avon Hall property was sold the Town would just be weed eating.
- Mayor Leggett closed the Public Forum.

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 CLOSED MEETING: At 8:30 p.m. Mr. Goebel made a motion to go into closed session pursuant to the provisions of Section 2.2-3.711A1 of the Code of Virginia to discuss a named employee and of Section 2.2-3.711A7 of the Code of Virginia to consult with the Town Attorney regarding matters requiring specific legal advice pertaining specific matters namely the pending application before DEQ and the State Water Control Board. Mr. Benson seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye" Mayor Leggett voted "aye"
 Ms. Goodine voted "aye" Mr. Benson voted "aye"
 Mr. Goebel voted "aye" Mr. Lynch voted "aye"
 Ms. Butler voted "aye"
 and the motion passed 7-0.

Ms. Dodd left the Council chamber during the discussion of the named employee and returned when it was concluded.

- OPEN SESSION: Mayor Leggett reconvened the public session at 9:58 p.m. Mr. Bennett asked each member to certify that to the best of your knowledge:

Only public business matters lawfully exempted from open meetings requirements under the Code of Virginia and,

Only, such public business matters as identified in the motion by which the motion by which the closed meeting was convened were heard, discussed, or considered by the Town Council. A roll call vote was taken:

Ms. Mitchell voted "aye" Mayor Leggett voted "aye"
 Ms. Goodine voted "aye" Mr. Benson voted "aye"
 Mr. Goebel voted "aye" Mr. Lynch voted "aye"
 Ms. Butler voted "aye"
 and the motion passed 7-0.

Mr. Gobel made a motion to authorize Mayor Leggett to retain legal Counsel regarding matters regarding the wastewater permit subject to review and approval of any financial arrangements by Council at a later date. Mr. Benson seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye" Mayor Leggett voted "aye"
 Ms. Goodine voted "aye" Mr. Benson voted "aye"
 Mr. Goebel voted "aye" Mr. Lynch voted "aye"
 Ms. Butler voted "aye"
 and the motion passed 7-0.

Continuation of the Meeting: At 10:00 p.m. Ms. Mitchell made a motion to continue the meeting to Tuesday, April 18, 2006 to hold a budget work session and to consider any other matters that may come before the Council. Mr. Benson seconded the motion and a roll call vote was taken:

Ms. Mitchell voted "aye" Mayor Leggett voted "aye"
 Ms. Goodine voted "aye" Mr. Benson voted "aye"

Mr. Goebel voted “aye” Mr. Lynch voted “aye”
Ms. Butler voted “aye”
and the motion passed 7-0.

NEXT REGULARLY SCHEDULED MEETING OF THE COUNCIL: May 10, 2006

JOINT MEETING OF THE PLANNING COMMISSION AND THE ARB ON April 24, 2006 AT 7::30
P.M TO BEGIN THE REVIEW OF THE HISTORIC DISTRICT GUIDELINES

Respectfully submitted,

Eugene S. Leggett
Mayor

List of Attachments:

Bank Summary Report
List of Bills-To-Be-Paid
Additional Bills Paid
TW RZ #6-03-01 An application to rezone 4.0 acres to Government Services
Ordinance to Amend various sections of Article 1 and Article 5 to Create a Governmental Services
District
Cross Connection Plan and Cross Connection Ordinance
Approved Comprehensive Plan